


Poland in the Face of the Migration Wave from the South in 2023 – Position Towards the New EU Migration Pact, Including the Reintroduction of Border Control with Slovakia

Polska wobec fali migracyjnej z południa w 2023 roku – stanowisko
względem nowego paktu migracyjnego Unii Europejskiej z uwzględnieniem
przywrócenia kontroli granicznej ze Słowacją


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Abstract: The problem of increased migration to the European Union, although present in the public space for many years, still remains unresolved. The first stage of the migration crisis in 2015 was described as “the peak” of the migration crisis when large-scale migrants from the Middle East arrived at the EU’s southern external borders. At that time, the European Union was looking for ways to solve the problem in solidarity. Currently, after 8 years, a new wave of migration from the south is pressing on the Union’s borders, which is why the problem returns, becoming the subject of research analyses, political discussions and the leading topic of the Polish parliamentary election campaign in autumn 2023.

The objectives of the considerations undertaken in the article focus primarily on presenting Poland’s position towards the EU proposal to solve the new wave of the migration crisis through the southern external borders of the European Union. They also include an analysis of the circumstances of the temporary reintroduction of border control at the internal border between Poland and Slovakia. The analysis of the literature on the issue, legal acts and statements by those in power aims to find an answer to the following questions: what is Poland’s position towards the new wave of the migration crisis in the EU and what are the underlying factors? Is Poland becoming a migration state? Is the temporary reintroduction of internal border controls the only solution in response to the migration wave from the south? Does the new migration pact offer opportunities for solidarity among Member States, or is it necessary to look for other solutions?

The main hypothesis of the article is that Poland has become increasingly involved in migration issues after 2015, and as a result of new crises on its borders, especially between 2021–2023, Poland takes on the characteristics of a migrant state. This is expressed by firstly

the crisis on the border with Belarus and the current change of the Balkan route due to the migration wave from the south of the EU in 2023. The supporting hypothesis states that Poland is required to become more involved in EU migration policy and to develop effective measures in response to escalating border crises.

From the analysis of the problem, the reflection arises that despite attempts at solutions, new crises continue to emerge, which only deepens the existing political divisions, while at the same time requiring countermeasures, especially in emergencies. An example of this is Poland's response to migration pressure from the south of the EU and changes to the Balkan route, which was the reintroduction of border control with Slovakia for the first time for migration reasons.

The article mainly uses theoretical research methods, such as analysis, which includes an analysis of the content of literature and available legal acts and statistical studies regarding the studied phenomenon.

Keywords: border surveillance, migration crisis, border security

Streszczenie: Problem nasilonej migracji do Unii Europejskiej (UE), chociaż obecny w przestrzeni publicznej od wielu lat, wciąż pozostaje nierozwiązany. Pierwszą odłoneg kryzysu migracyjnego w 2015 r. określono jako "szczyt" kryzysu migracyjnego, kiedy do południowych granic zewnętrznych UE na ogromną skalę napływali migranci z Bliskiego Wschodu. Wówczas UE szukała sposobów, by solidarnie rozwiązać omawiany problem. Aktualnie, po upływie ośmiu lat nowa fala migracyjna z południa napiera na unijne granice, dlatego problem ponownie wraca, stając się nie tylko przedmiotem analiz badawczych czy dyskusji politycznych, ale także wiodącym tematem polskiej kampanii wyborczej do parlamentu jesienią 2023 r.

Celem artykułu jest zaprezentowanie stanowiska Polski wobec unijnej propozycji rozwiązania nowej fali kryzysu migracyjnego przez południowe granice zewnętrzne UE. Publikacja wskazuje także na okoliczności tymczasowego przywrócenia kontroli na granicy wewnętrznej pomiędzy Polską a Słowacją. Na podstawie analizy literatury przedmiotu, aktów prawnych i wypowiedzi rządzących postawiono następujące pytania: Jakie jest stanowisko Polski wobec nowej fali kryzysu migracyjnego w UE oraz jakie czynniki leżą u jego podstaw? Czy Polska staje się państwem migracyjnym? Czy tymczasowe przywracanie kontroli na granicach wewnętrznych to jedyne rozwiązanie w reakcji na falę migracyjną z południa? Czy nowy pakt migracyjny niesie szanse na solidarność wśród państw członkowskich, a może raczej trzeba szukać innych rozwiązań?

W artykule przyjęto hipotezę główną wskazującą, że Polska musi się coraz bardziej angażować w kwestie migracyjne po 2015 r., a w wyniku nowych kryzysów na jej granicach, zwłaszcza w latach 2021–2023, nabiera cech państwa migracyjnego. Przejawem tego jest kryzys na granicy z Białorusią oraz aktualna zmiana szlaku bałkańskiego, spowodowana falą migracyjną z południa UE w 2023 r. Hipoteza pomocnicza stanowi, że od Polski wymaga się większego zaangażowania w unijną politykę migracyjną oraz opracowania skutecznych środków w reakcji na nasilające się sytuacje kryzysowe na granicach. Z przeprowadzonej analizy problemu wynika refleksja, że pomimo podejmowanych prób rozwiązań nowe kryzysy wciąż się pojawiają, co tylko pogłębia istniejące podziały polityczne, a jednocześnie wskazuje się na konieczność podjęcia środków zaradczych, głównie w sytuacjach nagłych. Przykładem tego jest reakcja Polski na presję migracyjną z południa UE i zmiany przebiegu szlaku bałkańskiego, którą było przywrócenie kontroli granicznej ze Słowacją, po raz pierwszy z powodów migracyjnych.

W artykule wykorzystane zostały głównie teoretyczne metody badawcze, takie jak analiza, która obejmuje analizę treści literatury oraz dostępnych aktów prawnych i opracowań statystycznych dotyczących badanego zjawiska.

Słowa kluczowe: ochrona granic, kryzys migracyjny, bezpieczeństwo granic

The Problem of protecting the external borders of the European Union (EU), and thus finding ways to prevent illegal migration, has become one of the biggest challenges for the entire EU. The increasing population movements in Europe, the mass influx of migrants from the Middle East to the Italian islands and the lack of unanimity of the European Union on how to solve the problem pose a threat to the security of states and to the idea of free movement of people in the EU. Over the past decade, the European Union has experienced at least a few crises related to the mass movement of people across its borders. The starting point for these considerations is therefore both the migration crisis, which the EU has been facing since 2011, and which reached its apogee in 2015, and the crisis on the border with Belarus, experienced by Poland for two years. The year 2015 has been called the "peak of the migration crisis." At the time, it was also described as the largest the European Union had ever faced in its history. The number of people who crossed the external borders of the EU and entered the territory of all its member states at that time was estimated at more than 1.8 million and was considered to be unprecedented, the largest migration threat ever faced by the European Union (Szachon-Pszenny 2023: 55). The mass migration processes that Western Europe has experienced since 2011, culminating in the migration crisis in 2015, have revealed not only serious deficits in the common migration and asylum policy but also fundamental differences between member states' governments in the search for solutions to this problem (Zalewski 2022). The next migration crisis occurred eight years later (in 2023), so this article considers the Polish establishment's response to the new wave of migration crisis in the European Union, also taking into account the ongoing migration crisis with Belarus. EU membership and the obligations resulting from the adoption of the Schengen acquis mean that the problem of migration affects all member states, so the leaders are obliged to take a position on the problem of migration.

The presented article consists of an introduction, which outlines the research problem and the adopted research method, the main part, which is an attempt to find answers to the questions of what is the Polish migration

policy of recent years, what is Poland's position on the problem of migrants arriving at the southern borders of the European Union and what are the current actions taken by it at the internal borders. The article ends with a summary. The aim of the discussions is to present Poland's position on the EU proposal to solve the new wave of the migration crisis (in 2023), including the temporary reintroduction of control at the border with Slovakia. The analysis of the content of the subject literature, legal acts and statements of the governing bodies help to present Poland's position towards the new wave of the migration crisis in the EU. This study used mainly theoretical research methods, such as analysis, which includes an analysis of the content of literature and available documents and statistical studies on the phenomenon under study.

In view of the above, the following research questions should be raised: is Poland becoming a migrant state? Is the temporary reintroduction of internal border controls the only solution in response to the wave of migration from the South? Does the new migration pact offer opportunities for solidarity among member states? Or should we look for other solutions?

The article assumes the main hypothesis indicating that Poland must become increasingly involved in migration issues after 2015, and as a result of new crises on its borders, especially in the years 2021–2023, Poland will acquire the characteristics of a migratory state. This is expressed through the crisis on the border with Belarus and the current change in the Balkan route, caused by a migratory wave from the south of the EU in 2023. The auxiliary hypothesis states that Poland is required to become more involved in the EU Migration Policy and to develop effective measures in response to escalating crises at the borders. The research analysis suggests that despite the attempts and search for solutions, new crises are still emerging, which only deepens the existing political divisions, and at the same time indicates the need to take remedial measures, mainly in emergencies. An example of this is Poland's response to migratory pressure from the south of the EU and the change in the course of the Balkan route, which was the reintroduction of border control with Slovakia, for the first time for migration reasons.

This paper presents the legal situation as of November 3, 2023.

1. Consequences of the “summit” of the 2015 migration crisis and Polish migration policy in 2015–2023

The issue of migration in the modern world is extremely relevant, important and multidimensional. Although this phenomenon is a constant element of human life, it is in recent decades that the processes associated with population migration have gained unprecedented momentum (Tutak 2023: 7). Given the growth of population movements and their massive nature, the EU is attempting to control and regulate them in order to ensure security and respect for EU law. The European Union, in response to the “peak” of the migrant crisis in 2015, established the IPCR (Integrated Political Crisis Response Arrangements) crisis response mechanism. The EU solutions proposed at the time were intended to help in rapid and coordinated EU decision-making in the event of serious and complex crises. As part of the IPCR, the Presidency organises meetings with relevant stakeholders each time to discuss the coordination of the European Union’s response to migration issues, including the ongoing situation at the EU’s external borders with Belarus from 2021 (*Jak Rada koordynuje reakcję UE na sytuacje kryzysowe* 2014). However, this mechanism has not proved to be fully sufficient and effective. Already during the first wave of the migration crisis in 2015, Poland did not accept the solutions imposed by the EU, and in recent years there has been a significant change regarding Polish migration policy, related to migration pressure on the Polish-Belarusian border, as well as the sheltering of war refugees from Ukraine.

Considering the above problem, it is necessary to analyse the Polish migration policy in the context of the dynamic changes that have taken place over the past eight years. Migration policy is understood as a comprehensive system of indications and legal and institutional regulations influencing the size, structure and directions of migration processes, taking into account both the demographic and socio-economic situation and the applicable international norms and bilateral arrangements (Rajkiewicz 2004: 8–9). Maciej Duszczuk defines the policy towards foreigners as a catalogue of instruments led and directed by the state or its constituent parts, including passive and active forms of immigration and emigration management (Duszczuk 2008: 12). Migration policy is also defined as the totality of decisions, actions and actions taken by public authorities aimed at achieving goals in the field of Population migration (Góra-Sosnowska, Łazor 2016: 7).

Polish migration policy has undergone many dynamic changes in recent years. However, there is no shortage of negative opinions among researchers

regarding the evolution of Polish migration policy. Among other things, Sławomir Łoziński and Marek Szonert draw attention to the lack of defining clear goals of the country's migration policy and setting rules for their implementation. This concerned, first of all, the lack of a compromise between the goals related to the interests of the economy and the demographic needs of society and the narrowly understood priorities for maintaining state security (Łoziński, Szonert 2023: 3). The lack of a coherent migration policy, a clear strategy and defined objectives that would allow public administrations carrying out tasks in the areas of migration, visa policy and Border Protection to act coherently makes both state and non-governmental institutions function in a certain antinomy. Agreeing on a stable, clear and explicit migration doctrine would provide a common reference point for the various actors taking action in support of immigrants.

The period analysed, i.e. the years 2015–2023, proved to be a real challenge for Polish migration policy, especially the years 2021–2023. On the one hand, Poland, faced with the “peak” of the migration crisis in 2015, unequivocally did not agree to the proposed migrant relocation model, while on the other hand, given the economic situation, it was “opening the door” for a certain category of economic migrants. During the 2015 presidential and parliamentary elections, the issue of migration and migration policy has been raised many times. After the change of the political elite, this issue became a permanent element of political discourse, causing divisions and controversy. They also gave rise to discussions on new challenges facing the country's migration policy. Among the most important issues that required regulation were: the need to distinguish between economic migrants and refugees, opposition to the mechanism of automatic relocation of refugees within the EU, assistance and a favourable policy towards the reception of economic migrants from Ukraine, the need for careful monitoring (control) of migration processes, ensuring the security of the state from terrorist threats, and perspective thinking about the integration (or even assimilation) of economic migrants in Polish society (Łoziński, Szonert 2023: 3).

Given that migration policy is the product of many factors and depends on, among other things, external circumstances, the global situation, demographic and economic needs of the host country, those in power recognised the need for a compromise between ensuring state security and migration viewed through a demographic and economic prism. The first attempt to create such a document was made in 2017, with the preparation of the *Strategia na rzecz Odpowiedzialnego Rozwoju do roku 2020 (z perspektywą do 2030 r.)*

[Strategy for Responsible Development to 2020 (With an Outlook to 2030)] (Uchwała 2017/260), which set out strategic directions for the development of state policy. At the time, it was pointed out that

there was a shortage of skilled human resources in certain fields, which was increasing the importance of migration processes and the need to prepare an effective strategy for managing human capital flows. Opportunities to reduce the risks of demographic change lie in family-friendly policies and a targeted migration policy geared towards labour market balance (Uchwała 2017/260).

This strategy included the elaboration of a comprehensive document presenting the Polish model of an active migration policy. The result of the work carried out at that time on Polish migration policy was the document *Priorytety społeczno-gospodarcze polityki migracyjnej* [Socio-Economic Priorities of Migration Policy], prepared in 2018 by the then Ministry of Investment and Development. It saw the migration policy as one that had a positive impact on the socio-economic development of Poland by adapting it to the needs of the labour market and filling gaps in the labour market with migrants – mainly workers from across the eastern border. The document in question envisaged that Poland's new migration policy should be, firstly, aligned with labour market priorities, secondly, it should focus on supplementing labour resources with persons from outside Poland in sectors/occupations with competence gaps (taking into account protection of the domestic labour market), thirdly, it should respond to the needs of foreigners and Polish citizens residing abroad, including repatriates, so as to encourage them to return to the country and set up or relocate their businesses here, as well as prevent further emigration and ensure increased return migration. The following document has been released in the course of the 2019 migration policy work: *Polityka migracyjna Polski. Projekt z dnia 10 czerwca 2019 r.* [Migration Policy of Poland. Draft of June 10, 2019] (Zespół do Spraw Migracji 2019). This document described in detail the conditions of the Migration Policy at that time, especially demographic, defined the main directions of this policy, drawing attention to the need for safe and legal immigration to Poland (both of a commercial and educational nature) and the return of Polish citizens from emigration and emigrants of Polish origin on the basis of the Pole's Card. This document was met with a huge wave of criticism from the scientific community and non-governmental organisations.

In December 2020, a diagnostic document entitled *Polityka migracyjna Polski – diagnoza stanu wyjściowego* [Migration Policy of Poland – Diagnosis of the Initial State] (Zespół do Spraw Migracji 2020) was prepared and in January 2021 accepted by the Interministerial Team for Migration, intended to form the basis for the findings of Poland's new migration policy (Łoziński, Szonert 2023: 3). The authors of the report point out that migration processes play an increasing role in the development of countries, affect both the social and economic spheres. Despite the preparation of a draft government resolution on the basis of the above document, it was not adopted. The hope of finding a compromise on migration policy in Poland was the draft *Polityka migracyjna Polski – kierunki działań 2021–2022* [Migration Policy of Poland – Directions for Action 2021–2022] (see Projekt uchwały 2021), which combines the diverse approaches of government institutions to the issue of migration. It set out the directions of future actions, at the same time defining the areas of cooperation of many institutions, as well as the scope of cooperation with non-governmental entities. Work on the draft resolution of the Council of Ministers on the adoption of the document *Polityka migracyjna Polski – kierunki działań 2021–2022* [Migration Policy of Poland – Directions for Action 2021–2022] was suspended at the stage of consideration of the draft by the Council of Ministers due to the fact that rapid changes affecting the characteristics of migration flows are taking place in Poland's environment. The politicisation of migration issues, lack of compromise on the main objectives of migration policy, contradictions in the interpretation of the effects of immigration, public sensitivity to migration policy issues, as well as dynamic changes in the conditions of migration policy have contributed to the fact that it has not yet been possible to create a clear, long-term strategy and concept for managing migration in Poland. Anita Adamczyk notes that we have not gone beyond the stage of "politics on paper." This is because it is subject to constant changes, which had an impact on its implementation or lack thereof and evaluation (Adamczyk 2023: 36).

In view of the above, it should be noted that while the "peak" of the migration crisis in 2015 posed a huge challenge to the transformation of EU migration policy and required all Member States to take a stance, it primarily affected states along the southern external border of the EU. The significance of Poland on the 2015 migration routes was rather secondary here, and the Polish voice was limited to the issue of taking a political stance towards EU action. This situation changed completely in 2021, when the migration crisis directly affected Poland's borders and thus the eastern

external borders of the EU, which required concrete measures and changes in national law in response to this unprecedented situation.

2. Breakthrough in the migration situation of Poland in 2021 – crisis on the border with Belarus

In the summer of 2021, the migration situation in Poland has changed radically. Border Services on the border with Belarus recorded an increasing number of attempts to cross it illegally. This was of concern not only to the authorities responsible for border protection but also to policymakers, especially in view of Belarus' termination in October 2021 of the readmission agreement signed in 2019, which aimed to establish procedures for the safe and orderly return of persons residing illegally in the EU or Belarus, in full respect of their rights under international law. The agreement, signed based on reciprocity, provided that Belarus would take back possible migrants. The authors of *Raport IV. Granica dyktatora. Polska i Białoruś wobec kryzysu granicznego* [Report IV. The Dictator's Border. Poland and Belarus in the Face of the Border Crisis] (Nowakowski, Olędzka, Rust 2021) note that at the turn of the summer and autumn of 2021, Belarus returned to the headlines around the world due to the migration crisis caused by Alexander Lukashenko. There was then an instrumentalisation of migrants¹ and their use to weaken Poland. The Belarusian regime, using "migratory weapons" and false propaganda, launched the operation "Śluza" (Sluice), which aimed to smuggle migrants from the Middle East to Europe. The scale of the problem was unprecedented and required a strong and unequivocal response from the state. According to statistics provided by the Border Guard, in 2021, on the section of the border with Belarus, the Podlaski Border Guard Regional Unit revealed 2,877 attempts to illegally cross the border, and in 2020, there were "only" 246 such attempts. On the other

¹ The issue of instrumentalisation of migrants was presented in detail in the paper *Instrumentalizacja migrantów jako forma destabilizacji bezpieczeństwa na wschodniej granicy zewnętrznej UE w kontekście wojny w Ukrainie* [Instrumentalisation of Migrants as a Form of Destabilisation of Security on the Eastern External Border of the EU in the Context of the War in Ukraine], presented by Anna Szachon-Pszenny and Agnieszka Zaręba at the International Scientific Conference "Historical-legal and political-economic dimensions of the war in Ukraine," held on October 19–20, 2023 in Zamość.

hand, in nine months of 2023, 495 attempts to illegally cross the border from Belarus into Poland were shown, where, for comparison, in the same period of 2022, there were 410, i.e. an increase of 21% can be observed (*Aktualności Straży Granicznej* n.d.). These figures show that the phenomenon of illegal migration from Belarus to Poland, although with lesser intensity and despite the existence of a barrier, still occurs.

In mid-2021, the government was faced with the need to strengthen the protection of Poland's eastern border and counter illegal migration. Migratory pressure became a new factor for Poland, which carried the risk of destabilization of the broadly understood security environment. This threat, commonly referred to as hybrid, is all the more serious because it affects many areas and aspects of the functioning of states and societies. Since the beginning of the crisis on the Belarusian border, the priority of the Polish authorities has been to maximise security efforts. The first manifestation of this, and at the same time one of the more debatable ones, was the issuing of a regulation on August 20, 2021 on the temporary suspension or restriction of border traffic at certain border crossing points (*Rozporządzenie 2021/1536*; see also Boguciewicz 2022: 119). In the face of this artificially induced crisis on the border with Belarus, the leaders decided to build a barrier on the border, which was to prevent illegal migration and destabilize the security environment not only of Poland but of the entire EU. Poland was faced with a dilemma and a search for solutions between ensuring the inviolability of borders and humanitarian treatment of violators of the rules on their crossing. This situation led to a discussion on Polish migration policy and the observance of migrants' rights at the border. Migration policy researchers pointed out that the Polish Border Guard violates the Geneva Convention by not accepting oral statements from people wishing to apply for international protection in Poland. The application of the "push-back" principle by the Polish border services and the introduction of a state of emergency were criticised, where the existence of a threat to public order and national security from foreigners attempting to cross the Polish-Belarusian border was questioned (Łoziński, Szonert 2023: 3).

Faced with the situation of instrumentalisation of migrants on the border with Belarus, Poland began to acquire the characteristics of a migratory state, which must face the consequences of excessive migratory pressure on its borders. An additional difficulty was the fact that it was not migration from the countries directly adjacent to Poland. Migration at that time became part of a large-scale hybrid war waged by Russia, which involved

States on the eastern border of Poland, and thus the eastern external border of the EU. In addition, it should be emphasised that the instrumentalisation activities were one of the elements of preparation for the war in Ukraine, which caused the influx of war refugees, but thereby influenced the migration policy of Poland.²

Another turning point in Polish migration policy was the outbreak of war in neighbouring Ukraine in February 2022. The influx of such a huge number of people posed unprecedented challenges to Polish society in terms of the need to organise assistance to and integration of Ukrainian war refugees (Duszczyk, Kaczmarczyk 2022: 11). Poland thus became the second country in the world (after Turkey) with the largest number of refugees. This wave of war refugees from Ukraine, combined with pre-war labour migration, caused the percentage of foreigners staying in Poland to reach almost 8% of the population.³ This combination of economic migration and war refugees is a new phenomenon in the history of international migration (Wojdat, Cywiński 2022: 11–12). The development of mechanisms for accepting war refugees from Ukraine became a necessity because it was impossible to fake actions against migrants in the face of the wave of war refugees. The massive influx of war refugees from Ukraine was the impetus that dynamised the legal regulation of the incoming Ukrainians. Already on March 12, 2022, a special act (Ustawa 2022/583) was adopted, which regulated residence and provided social and financial support for Ukrainian refugees. The document also specified the issues of employment and inclusion of Ukrainian citizens in the education and health care system. According to the Border Guard, more than 4.9 million refugees from Ukraine crossed the Polish-Ukrainian border between February, 24 and July 20, 2020 alone, and almost 3 million people left for Ukraine.⁴ After entering Poland, some of them went to other EU states. There were an estimated 11.4 million refugees from Ukraine in Poland in the autumn of 2022 (Podgóra, Jekaterynczuk, Yarosh, Kuzmuk, Liubchuk 14.05.2023).

Polish citizens, hitherto seemingly reluctant to refugees, have shown their solidarity and openness to war refugees from Ukraine, which contrasts with the moods and opposition to accepting refugees seen in public opinion

² It is important to remember the distinction between economic migrant and war refugee (for more on this topic, see Szachorń-Pszenny 2023: 58–60).

³ This compares with only 0.1% in 2010.

⁴ Official X (Twitter) profile of The Polish Border Guard (2022).

in 2015. It turns out that refugees from Ukraine were positively perceived because they are close to us culturally and linguistically. In addition, before the war, mainly women with children fled, and the social networks created earlier caused the citizens of Ukraine to be perceived in a positive light. Lublin researchers in the report *Support for Ukrainian Refugees after Russia's Invasion of Ukraine: Aid Structure and Resilience Factors. Case Studies of Lublin and Lutsk* estimate that

the earlier migration of Ukrainian workers to the European Union, as well as the openness of the EU to their movement,⁵ has resulted in the strong presence of Ukrainian social networks across Europe, especially in countries close to the border, such as Poland (Garcés Mascareñas 2022). This presence was invaluable not only in the first days of the spontaneous reaction to the war but also – as the case of Lublin shows – in the following weeks and months of support for refugees at the local level (Podgóra, Ekaterinchuk, Yarosh, Kuzmuk, Liubchuk 14.05.2023).

Although legal and systemic solutions have been put in place to facilitate integration and functioning in Poland in the face of refugees from Ukraine, there is still a lack of solutions regarding the relocation of migrants arriving in the EU.

3. Reintroduction of border control with Slovakia as a way to stem the wave of migrants from the South

The tense situation on the Polish-Belarusian border and the reception of war refugees from Ukraine have not exhausted the challenges in the area of migration policy. The dynamic migration situation in Europe in 2023 was also felt in Poland. In view of the wave of migrants from the south and the identification of the so-called new Balkan route, it was decided to reintroduce border control on the internal border of the European Union between Poland and Slovakia. Currently, there are new migration routes through Poland, one was created in 2021 as a result of the instrumentalisation of migrants from Belarus, and the second in 2023, as a change of migration routes from the south of the EU.

⁵ Since 2017, citizens of Ukraine for 90 days can travel without a visa to the Schengen area.

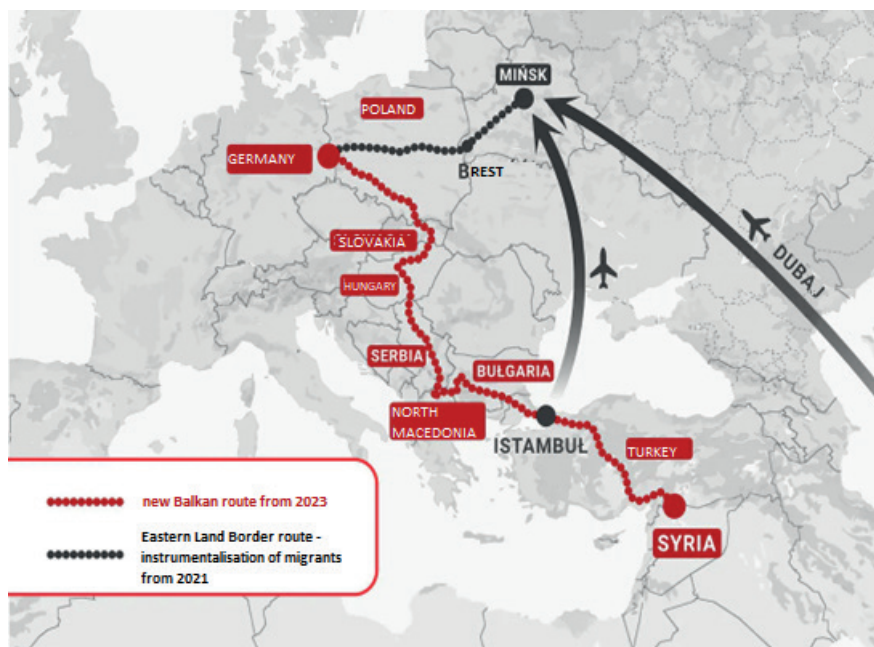


Figure 1. New migration routes through Poland

Source: own development based on Waleński 25.09.2023.

Temporary controls at the external borders are the result of increased migratory pressure from the EU's southern borders, the effects of which are increasingly being experienced by a significant part of the EU's "area without borders" member states. The number of illegal border crossings with Slovakia only in the period January–September 2023 amounted to 927, while in the same period in 2022, there were only 85 of them, which means an increase of as much as 991% (Statystyki Straży Granicznej 2023). The main routes of migrants lead through the Mediterranean and Italy, through the Aegean Sea and Greece, and the Western Balkans. Previously, from the third direction, migrants mainly travelled through Austria to Germany, but due to the tightening of controls in Austria, some moved to the route through Slovakia to Poland, and then to Germany. The "new" Balkan route no longer runs through Turkey and Austria but through Poland. People illegally crossing the border are stopped at the southern border of Poland, the Czech Republic and Slovakia. The operations there are led by officers from the Polish Border Guard, cooperating with the Czech and Slovak services. Since the beginning of 2023, the number of detained migrants at the border with Slovakia has been steadily growing (Ziemska 7.09.2023).

In the face of increasing migratory pressure, more and more states are carrying out checks at the EU's internal borders, as the number of illegal border crossings continues to increase. Recently, the number of asylum applications has also increased by 77%. These problems are becoming so noticeable that work is underway on legislation that would more accurately define situations in which one or several states can simultaneously reintroduce controls, and who can be exempted from them (Słojewska 27.09.2023).

It is worth noting that the migration wave from the south in 2023 is linked to the long-term consequences of the so-called secondary migration flows that first affected the "old" EU states, primarily Germany and France. However, as a result of numerous temporary reintroductions of border controls at their internal borders, migration routes have changed. Illegal migrants make their way through Bulgaria, Serbia, Hungary and Slovakia to Poland, from where they later cross the German border. Poland has therefore become a hub for a large proportion of migrants seeking asylum in Germany. Firstly, a new Balkan route is currently running through Poland, and secondly, there is Russia, which, together with Belarus, continues to send migrants to the EU (Słojewska 27.09.2023).

In this way, Poland has become part of the migration routes from the south of the EU, while at the same time applying measures commonly used by states of secondary migration flows – in fact, five EU states (Germany, Denmark, France, Austria, Sweden), which have permanently reintroduced border control at internal borders since 2015, even though this instrument in itself is temporary.

From October 3, 2023, Poland introduced the temporary reintroduction of controls at the border with Slovakia following the substance of this measure as a response to the emergency in connection with the influx of illegal migrants, which for the first time in history took place with such intensity precisely at the Polish-Slovak border. The legal basis is the Schengen Borders Code, which provides for a special procedure for cases requiring immediate action, which allows, in situations of serious threat to public order or internal security in a Member State, for immediate action to be taken, for a limited period not exceeding 10 days, which may be extended for further periods of 20 days, up to a maximum of 2 months (Rozporządzenie 2016/399). The head of the Ministry of the Interior and Administration, Mariusz Kaminski, justified the decision to reintroduce temporary control at the border with Slovakia on the grounds that the so-called Balkan route, one of whose branches runs through

Slovakia (Rozporządzenie 2023/2120), has become extremely active in recent months. Some of these foreigners went to Poland, then to Germany and other EU member states, and in fact this phenomenon continued to intensify. For these reasons, the inspections were extended for another periods, currently until January 2, 2024.

It is worth noting that the increasing migration on the border with Slovakia fits into the EU-wide trend of an intensified wave of migration from the south in 2023. According to preliminary calculations by the European Border and Coast Guard Agency (Frontex), the number of detections of illegal border crossings at the European Union's external borders increased by 17% (to 279,350) in the first nine months of 2023, the highest total since 2016. In 2023, every second detection of illegal crossing of the EU's external borders took place in the central Mediterranean. Nevertheless, the number of border crossings in this region decreased by 1/3 compared to October and September 2023. The Western Balkans has become the most active migration route during this period (Frontex 13.10.2023).

Analysing the migration challenges in 2023, it is concluded that three migration routes across the southern borders of the EU can now be identified: the central Mediterranean route, the western Mediterranean route and the new Balkan route. In 2023, the central Mediterranean region remains the most active route to the EU with more than 131,600 irregular migrants. Since 2016, this is the highest total on this route. In the period January–September 2023, the Western Balkan route, the second most active route with more than 81,800 detected cases, recorded a decrease of 23%, mainly due to the tightening of visa policy, but on its new branches, e.g., on the Slovak-Polish border, there was an increase of almost 1,000%. The Frontex map below shows the scale of the phenomenon and the visible new, intensified wave of migration from the south of the EU.

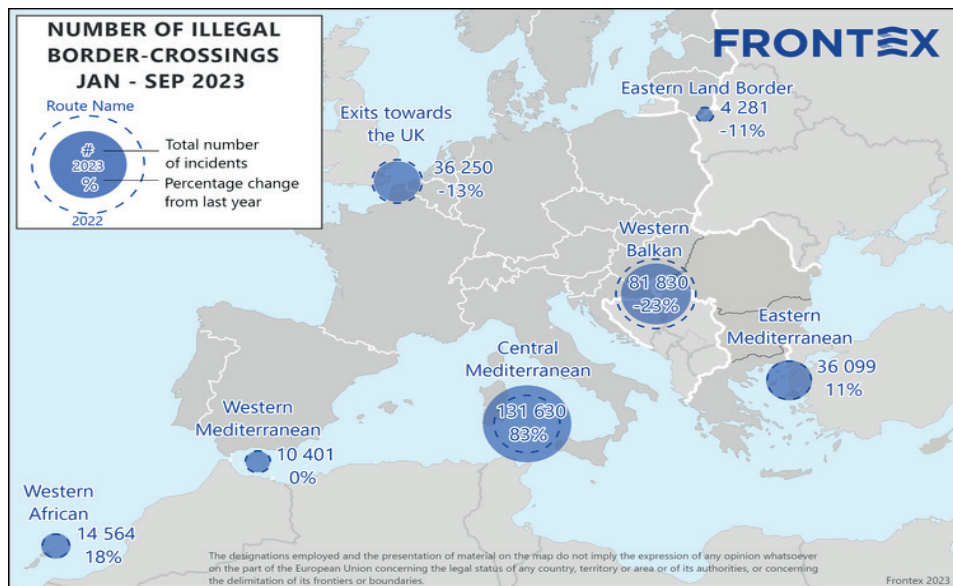


Figure 2. Map of migration routes in 2023

Source: Frontex study 13.10.2023.

4. Poland's position on the attempt to solve the new wave of the migration crisis

To tackle the multifaceted problem of migration and to ensure the safety of migrants arriving in the EU on the one hand, and to support countries at the EU's external borders in solidarity on the other, the European Commission on September 23, 2023 presented the so-called migration pact. The presentation of this document during the ongoing election campaign in Poland warmed and polarised the political scene and became its leading topic. In view of the interdependence between the policies and decisions of individual member states, the European Commission has proposed a new EU framework for managing and normalising migration in the long term. The new system is designed to provide certainty, clarity and dignified conditions for people arriving in the EU. Its citizens will also be able to have confidence that migration is managed effectively and humanely, in full compliance with international values and law (*Nowy pakt o migracji i azylu* n.d.).

The new European migration policy aims to build trust through effective procedures and to strike a balance between solidarity, security and collective responsibility. The so-called migration pact consists of a number of elements that, acting as a whole system, are supposed to be an antidote to the problem of mass migration. Among the most important are the introduction of new border control procedures, the improvement of ICT systems, the reform of the Schengen borders code, the introduction of a strategy for the future of the Schengen area, the streamlining of the relocation process of vulnerable groups and people rescued at sea, the support of other host countries, the fight against illegal migration. All these actions are aimed at ensuring a rapid and effective response to the migration crisis. The new mechanisms, which implement clearly defined responsibilities, include the introduction of mandatory pre-entry controls to determine status shortly after arrival. This will include identification, health checks, security checks, fingerprinting and Eurodac registration. The pact also provides for the introduction of an accelerated asylum procedure at the border, which in certain cases will result in the implementation of a rapid return procedure. The improvement of the migration and border management system is intended to contribute to the fight against irregular migration, to make it harder for unauthorised movements to other member states, and to facilitate the relocation and monitoring of returnees.

The most emotive issue, especially among Member States that do not agree with the EU's proposals for solving the migration crisis, is the so-called solidarity activities. In the light of the European Commission's proposals, solidarity action scenarios include the relocation of persons likely to need protection, the relocation of persons recognised as refugees, the participation of member states on a fair distribution basis or a mechanism to guarantee effective support. The Polish government, in a resolution of the Sejm of the Republic of Poland of June 15, 2023 on the proposal to introduce an EU relocation mechanism for illegal migrants (Uchwała Sejmu 2023/597), expressed strong opposition to the introduction of forced relocation mechanisms. The topic of EU migration policy was recurring in the EU forum, especially in the context of the situation on the Italian island of Lampedusa. In the face of the influx of migrants and the appeals of the Italian authorities for help, the European Union was again looking for a way to solve the migration crisis, which was to be expressed in the proposed migration pact. In response to the negotiations on the migration pact at the EU Council, Prime Minister Mateusz Morawiecki on September 29, 2023 made a statement announcing: "The party of Tusk and

Weber next week wants to push through a pact in the European Parliament that would ultimately force Poland to take in illegal immigrants. EU bureaucrats do not care about Poland's security, they just want to implement their crazy plan" (Pacula 29.09.2023). The attitude towards migration has therefore become the subject of public debate during the ongoing election campaign. In the light of the narrative of the ruling party, headed by Jarosław Kaczyński, immigration is undesirable, moreover – immigrants from countries "culturally distant" are perceived as a threat to the security of the state. "The forced resettlement of migrants to Poland is a great danger for us [...]. We must be aware that only Law and Justice is able to stop illegal immigration to Poland" – added M. Morawiecki (Pacula 29.09.2023). After the Prime Minister's speech, a spot appeared on social media, the main topic of which was migration. Forced relocation also became the subject of a referendum proposed by the leader of the Law and Justice Party, J. Kaczynski, in June 2023, and passed by the Sejm on August 17, 2023 at the request of the Council of Ministers with the votes of the United Right (Zjednoczona Prawica). The fourth question was: "Do you support the admission of thousands of illegal immigrants from the Middle East and Africa under the forced relocation mechanism imposed by the European bureaucracy?" After the referendum questions were made public, Research Partner from June 16–19, 2023 conducted a survey of Poles' attitudes to the forced relocation of refugees and the related referendum. The survey shows that almost 40% of respondents have a strongly negative attitude toward the mechanism of forced relocation of immigrants, and another 16% answered this question "rather no." The survey shows that only 27% of respondents answered yes to this referendum question. This means that apart from those who are undecided, as many as 2/3 of compatriots do not want to introduce this mechanism in Poland (*Polacy zabrali głos ws. relokacji uchodźców* 21.06.2023). According to the State Electoral Commission, 96.79% of those who took part in the referendum do not support the admission of illegal migrants under the relocation mechanism (Państwowa Komisja Wyborcza 2023). On October 5, 2023, the migration pact was also the subject of a joint press conference between President Andrzej Duda and Prime Minister M. Morawiecki, during which the president stressed that "the position on migration, especially on the forced relocation of migrants since 2015 since we took over the government in the Republic of Poland by the will of the voters, is absolutely uniform and unchanged" (*Andrzej Duda i Mateusz Morawiecki o pakcie migracyjnym* 5.10.2023). President A. Duda clearly stated that he opposes the migration

pact and together with Prime Minister M. Morawiecki they were to present such a position on the international stage. In addition, the president noted that Poland opposes the imposition of asylum and migration solutions, which in fact means not combating the causes of migration, not preventing migration, but solving the consequences at the expense of various European countries. "In our opinion, this is not the way to solve the problem of migration" – emphasised President A. Duda (*Porto. Spotkanie Prezydentów Państw Grupy Arraiolos* 6.10.2023). Among the election program of the largest opposition party, the Civic Platform, it is in vain to look for information about the attitude to the migration problem, however, Donald Tusk during meetings with voters, speaking about migration policy, assured that he is not a xenophobe and stressed that migration policy should not be oppressive and discriminatory and that if he becomes prime minister, he will take care of the tightness of the border and the indivisibility of the territory since the state should control migration flows. He also stressed that international law was not adapted to accept such a large number of migrants and that it should combat the procedure of people smuggling (*Donald Tusk o polityce migracyjnej* n.d.).

Summary

The modern world, its dynamics and the complexity of relations resulting from globalisation show the whole range of problems and challenges facing states. In this context, an important aspect of consideration concerns migrations, the size and dynamics of which have reached an unprecedented scale in the history of the world (Tutak 2023: 409). The issue of migration, regardless of political colours, requires attention and a well-thought-out policy that is in line with the interests of the state. The aim of Polish migration policy should be a coherent, regulation-based migration management system that ensures security and public order, but also promotes economic development and social cohesion. The task of the state is to create long-term mechanisms for managing migration, which, on the one hand, take into account the security of the state and its citizens, on the other hand, all factors arising from the international environment.

It follows that the verification of Poland's position against the migration wave from the South took place not in 2015, but in 2023, when it began to

directly affect the borders of Poland. The almost 1.000% increase in illegal crossings of the internal Slovak-Polish border forced the need for the temporary reintroduction of internal border controls in such unprecedented circumstances. In this situation, the Polish position has become very similar to the position of the states that were affected by the peak of the migration crisis in the first place. The intensifying new wave of migration from the south of the European Union applies to every EU state, both those with external borders and those in the heart of the EU, and the temporary reintroduction of border controls is proof that the EU's existing migration mechanisms have proved ineffective. Action must therefore be taken to regain control of the migration policy and to strike a balance between the EU's freedoms and the security of the area without borders. The migration pact seems to be such an attempt, but in view of its many imperfections and the lack of solidarity between member states, it is difficult to implement in its current form. Furthermore, analysing the peak of the 2015 migration crisis compared to the new migration wave in 2023, it is becoming increasingly clear that existing solutions are becoming insufficient in the face of new challenges at the level of the EU as a whole and its individual member states so that a more coordinated emergency response would be needed.

As the experience of 2021–2023 has shown, Poland has more and more features of a migratory state. The instrumentalisation of migrants on the border with Belarus and the constant attempts to destabilise the EU should be considered the first stage of this process. The second stage of Poland acquiring the characteristics of a migratory state is the location on the new Balkan route and, consequently, the first migratory reintroduction of border control. With regard to previous reintroductions of control related to planned events or a pandemic, Poland is for the first time reintroduce border control due to excessive migratory pressure, and this from the south of the EU, and therefore applies instruments such as other migratory states.

It is therefore necessary to develop effective solutions to the challenges facing Poland. These measures cannot be purely national – “Polish,” but compatible with EU policy. On the other hand, they should not be based solely on ad hoc solutions, which have not been entirely effective in other member states experiencing the previous wave of migration from the southern borders of the EU. It is, therefore, to be hoped that the reintroduction of controls at Poland's southern borders will be genuinely temporary and not, as in the case of other EU states permanent, and that the EU will currently make every effort not to solve the migration problem, but to minimise its effects.

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